



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Mayor

Public Hearing Date:	July 13, 2010
Land Use Action Date:	September 21, 2010
Board of Aldermen Action Date:	October 4, 2010
90-Day Expiration Date:	October 11, 2010

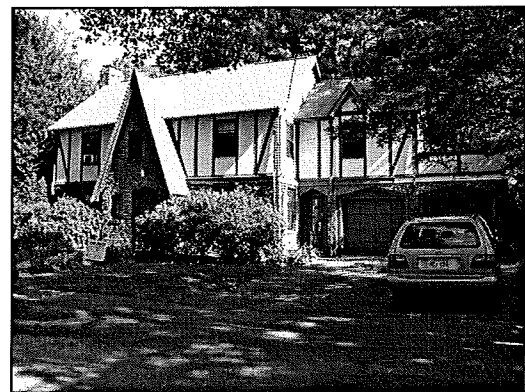
DATE: July 9, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Alexandra Ananth, Senior Planner

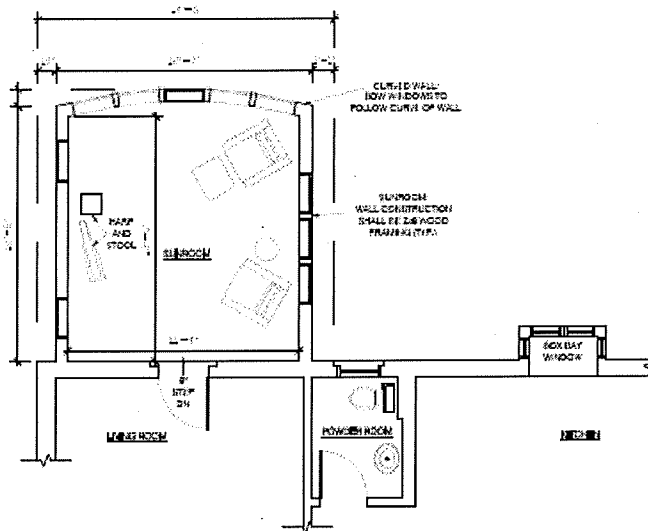
SUBJECT: **Petition #177-10, SUSAN MIRON & BURTON FINE** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NONCONFORMING STRUCTURE to extend a rear sunroom, which will increase the legally non-conforming Floor Area Ratio from .40 to .41, on an existing single-family residence at **18 Cochituate Road**, Ward 6, Newton Highlands, on land known as Sec 54, Blk 31, Lot 3, containing approx 6,545 sf in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b) and 30-21(b), 30-15, Table 1 of the City of Newton Rev Zoning Ord, 2007.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

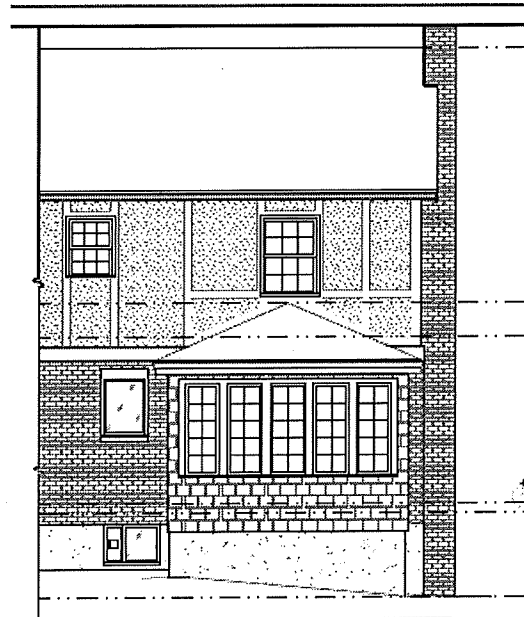


EXECUTIVE SUMMARY

The subject property consists of a 6,545 sq. ft. lot located in Newton Highlands improved with a Tudor-style single-family residence circa 1930. The petitioners are proposing to add a small one-story addition onto the rear of the existing building where there is currently an existing sunroom already located. Although the petitioners will be removing the existing sunroom, the proposed new addition is slightly larger than the existing footprint. As the subject property is legally nonconforming with respect to Floor Area Ratio (FAR) the proposed addition will increase this nonconformity for which they must seek a special permit. The petitioners are proposing to increase the FAR from .4 to .41 where .3 is allowed. The Planning Department notes the petitioners have an attached garage, which is included in their FAR calculations.



*Proposed rear addition of
~ 13 ft. x 13 ft.*



Proposed rear elevation

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale, and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Cochituate Road, a dead end street located off Plymouth

Road in Newton Highlands. It is located within a Single Residence 2 district where single-family residences on small lots characterize the neighborhood.

B. Site

The 6,545 sq. ft. site is relatively level and is among the smaller lot sizes in the neighborhood. The property is abutted by the aqueduct to the rear.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the single-family residence are proposed.

B. Building and Site Design

The existing house is a stucco on wood Tudor-style residence circa 1930. The petitioners are proposing to remove an existing 7.5 ft. by 11.5 ft. one-story sunroom and to replace it with an approximately 12.5 ft. by 12.5 ft. addition for an increase of approximately 70 sq. ft. The proposed new addition is one-story and will have a curved rear wall and pitched roof. *The Planning Department notes that proposed exterior façade materials are not noted on submitted plans.* The addition will add approximately 70 new square feet to the existing 2,620sq. ft. residence bringing the house to 2,689 sq. ft. As the proposed addition is located on the rear façade and outside of the side setback, the residence will still appear consistent in scale with other residences in the neighborhood, especially as viewed from the street.

C. Parking and Circulation

The petitioners are not altering the curb cut or driveway in any way.

D. Landscape Screening

The petitioners did not submit a landscape plan nor was one required.

IV. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated May 24, 2010 (*SEE ATTACHMENT "A"*), provides an analysis of the proposal with regards to zoning. The petitioners are seeking to increase a nonconformity with respect to FAR. The addition will not encroach into the side setback and lot coverage and open space ratios will remain compliant. As the subject property abuts an aqueduct there is no rear setback requirement.

B. Newton Historical Commission Demolition Review. No review is required, as proposed demolition is less than 25% of the rear façade.

C. Engineering Division Review. Given the limited amount of impervious surface being added to the site no Engineering Review was required.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-15, Table 1, 30-21(a)(2)(b), 30-21(b), to increase a nonconformity with respect to FAR.

VI. PETITIONERS' RESPONSIBILITIES

The petitions should note proposed building materials on final plans.

ATTACHMENTS

ATTACHMENT A: ZONING REVIEW MEMORANDUM DATED MAY 24, 2010

ATTACHMENT B: ZONING MAP

ATTACHMENT C: LAND USE MAP

ATTACHMENT D: NEIGHBORHOOD DENSITY ANALYSIS

ATTACHMENT E: DRAFT BOARD ORDER

Zoning Review Memorandum

ATTACHMENT A

Dt: May 24, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Interim Director of Planning and Development

Cc: Jonathan Feig, architect representing property owner
Ouida Young, Associate City Solicitor



RE: Request to allow an increase in FAR.

Applicant: Susan Miron

Site: 18 Cochituate Road

SBL: Section 54, Block 31, Lot 3

Zoning: SR-2

Lot Area: 6,545 square feet

Current use: Single-family residence

Proposed use: Single-family residence

Background:

1. The subject property consists of a 6,545 square foot lot currently improved with a single-family residence. The applicant is proposing to add a small addition onto the rear of the existing building. The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- o "Plan Showing Proposed Addition in Newton, Mass.," dated June 3, 2010, signed and stamped by Dennis O'Brien, Professional Land Surveyor
- o Architectural drawings as follows for "Miron Residence, 18 Cochituate Road," all drawn by silver dog ltd. and dated 05.05.10, neither signed nor stamped by a licensed professional:
 - "X-2, Existing Partial 1st Floorplan/Sunroom"
 - "X-3, Existing Sunroom, East Elevation"
 - "X-4, Existing Sunroom, North Elevation"
 - "X-5, Existing Sunroom, West Elevation"
 - "A-2, Proposed Sunroom Plan"
 - "A-3, Proposed Sunroom, East Elevation"
 - "A-4, Proposed Sunroom, North Elevation"
 - "A-5, Proposed Sunroom, West Elevation"
 - "A-6, Proposed Sunroom, Roof Plan"
 - "A-7, Proposed Interior Elevations"

Administrative determinations:

2. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 sq. ft.	6,545 sq. ft.	No change
Frontage	80 feet	77 feet	No change
Setbacks <ul style="list-style-type: none">• Front• Side• Rear	25 feet 7.5 feet 15 feet*	26.9 feet 8.5 feet Approx. 19 feet*	No change No change 12.3 feet*
FAR	.3	.40	.41
Building Height	30 feet	Info not provided	No change
Maximum Stories	2.5	Info not provided	No change
Max. Lot Coverage	30%	24.6%	25.9%
Min. Open Space	50%	60.7%	57.2%

* Per Section 30-1, Definitions, the definition of a lot line specifically states that there is no lot line between land used as an aqueduct and adjoining land. In this case, the rear of the property abuts the aqueduct. Since there is no lot line, there is no rear lot setback requirement.

3. The subject property is legally nonconforming with respect to Floor Area Ratio (FAR). The proposed addition will increase this nonconformity. The proponent must obtain a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b) to increase the FAR.
4. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance	Site	Action Required
§30-15, Table 1 30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24

Zoning Map

18 Cochituate Rd.

Legend	
	18 Cochituate Rd.
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use

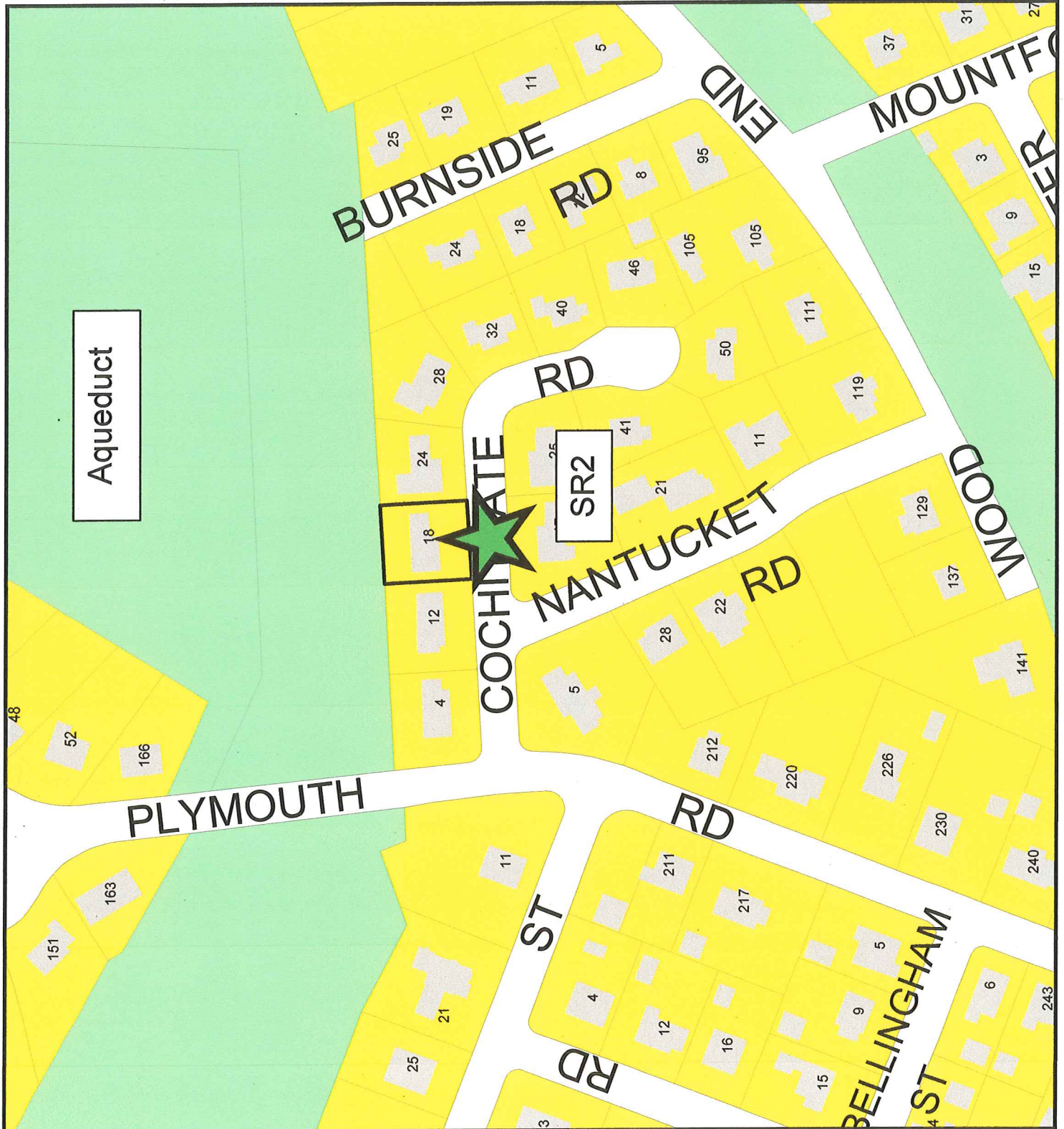


ATTACHMENT B

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purpose. City departments may not approve applications based on this information.

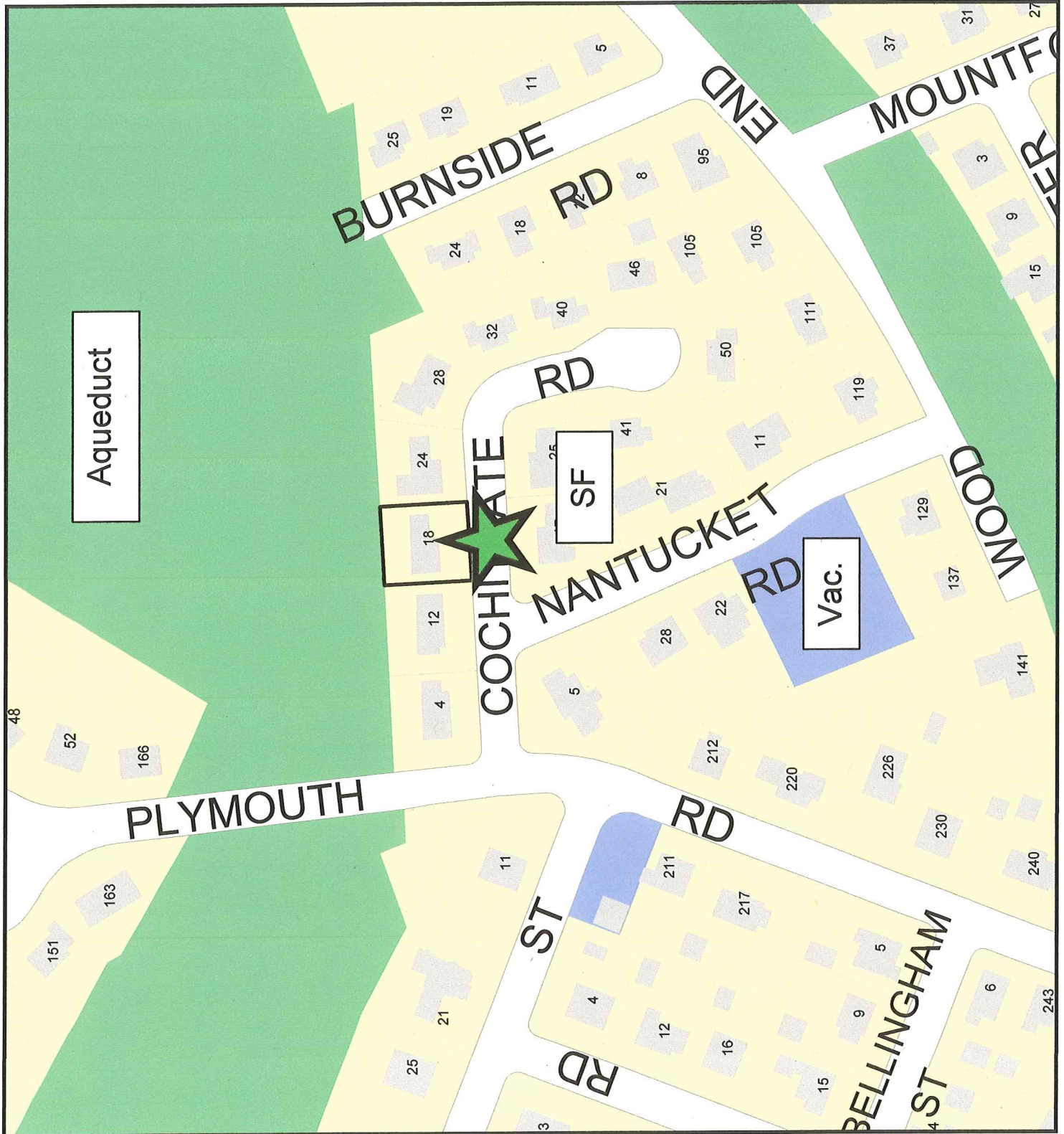


MAP DATE: J



Land Use Map

18 Cochituate Rd.



ATTACHMENT C

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MAP DATE: Ju

18 Cochituate Rd.

Neighborhood Comparison Chart (Prepared by Planning Department)

based on information obtained from the Assessor's Database)

Address	Lot Size	Approx. Sq. Ft.	Approx. FAR	Garage	Approx. Sq. Ft.
4 Cochituate Rd.	8,082	2,166	(0.27)	Basement	NA
12 Cochituate Rd.	7,650	2,334	(0.31)	Basement	NA
18 Cochituate Rd.	6,545	2,622	(0.40)	Attached	220
24 Cochituate Rd.	6,756	2,598	(0.38)	Attached	400
28 Cochituate Rd.	8,520	2,186	(0.26)	Attached	190
32 Cochituate Rd.	7,380	1,550	(0.21)	Attached	193
40 Cochituate Rd.	7,020	1,552	(0.22)	Attached	200
46 Cochituate Rd.	6,100	1,218	(0.20)	Basement	NA
50 Cochituate Rd.	7,460	1,644	(0.22)	Attached	200
41 Cochituate Rd.	8,000	1,302	(0.16)	Attached	200
25 Cochituate Rd.	7,840	2,171	(0.28)	Attached	400
17 Cochituate Rd.	9,930	3,000	(0.30)	Attached	400
Average	7,607	2,029	(0.27)		267
18 Cochituate Rd. Proposed	6,545	2,689	0.41		220

DKAF 1
#177-10

CITY OF NEWTON
IN BOARD OF ALDERMEN
August 9, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming structure with respect to Floor Area for a one-story addition to the rear, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed extension of a nonconforming structure will not be substantially more detrimental to the neighborhood than the existing structure for the following reasons:
 - a. The sunroom is existing and the modest enlargement of ~70 sq. ft. to the rear will comply with all setback requirements and will not be visible to the street.
 - b. Increasing the already nonconforming FAR from .40 to .41 (where an FAR of .3 is allowed by right) is appropriate in this neighborhood context, as the house will remain consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood, and the property complies with ratios for lot coverage and open space.

PETITION NUMBER: #177-10

PETITIONER: Susan Miron & Burton Fine

LOCATION: 18 Cochituate Road, Section 54, Block 31, Lot 3 containing approximately 6,545 sq. ft. of land

OWNER: Susan Miron & Burton Fine

ADDRESS OF OWNER: 18 Cochituate Road, Newton, MA 02461

TO BE USED FOR: Extension of a sunroom at the rear of the house

CONSTRUCTION: Wood frame, shingle siding, and asphalt shingle roof

EXPLANATORY NOTES: §30-15, Table 1, 30-21(a)(2)(b), 30-21(b), to increase a nonconformity with respect to FAR; §30-23 for site plan approval; and §30-24(d) for special permit approval

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - Insert Plans
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.